



Richard Hedges, Public Member,
President

Ken Williams, Industry Member
Vice-President

Deedee Crossett, Industry
Member

Marie Lemelle, Public
Member

Frank Lloyd, Public
Member

Ted Nelson, Industry
Member

David Rabago, D.C., Public
Member

Christie Truc Tran, Industry
Member

Kristy Underwood
Executive Officer

Edmond G. Brown Jr., Governor
State of California

Department of Consumer Affairs
Board of Barbering and Cosmetology

Telephone: (916) 575-7100

Website: www.barbercosmo.ca.gov

2420 Del Paso Road, Suite 100
Sacramento, CA 95834

California State Board of Barbering and Cosmetology

Board Meeting Agenda

Friday, January 21, 2011

10:00 A.M. - 5:00 P.M.

Or until completion of business

Doubletree Club Hotel
1515 Hotel Circle South
San Diego, CA 92108

An additional meeting location has been established at:
2405 Kalanianaʻole Ave. PH-11
Hilo, HI 96720

ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

OPEN SESSION:

1. Call to Order/Roll Call (Richard Hedges)
2. Public Comment on Items not on the Agenda
Note: the Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]
3. Board President's Report (Richard Hedges)
4. DCA Director's Report
5. Scoring Methods for Examinations-Regulatory Action
Possible Action: Amendment to Section 932 of Article 4, Title 16, Division 9 of the California Code of Regulations
 - Presentation by DCA's Office of Professional Examination Services
6. Regulatory Action to Require Establishments to Provide Notice to Consumers of Services Provided or Offered that are not regulated under the Barbering and Cosmetology Act.
Possible Action: Addition to Article 9, Title 16, Division 9 of the California Code of Regulations
7. Curriculum Regulations (Barber, Manicure, Electrology)
Possible Action: Amendment to Section 950.1, 950.4 and 950.5, Title 16, Division 9 of the California Code of Regulations
8. Legislation
Priorities:
 - Continuing Education
 - Remedial Education
 - Default Decisions
 - School Oversight (Fee and Disciplinary Authority)
 - Booth Rental Licensure

California State Board of Barbering and Cosmetology

9. Regulations Update
 - Administrative Fine Schedule
 - Disciplinary Guidelines
10. Establishment of Technical Advisory Committees (Kristy Underwood)
11. Annual Election of Officers
12. Executive Officer Report (**Kristy Underwood**)
 - Review of Board Statistics
 - Classification Study of Inspector Positions
13. Approval of Board Meeting Minutes
 - October 25, 2010
 - October 26, 2010
14. Public Comment

Note: the Board may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting. [Government Code Sections 11125, 11125.7(a)]
15. Agenda Items for Next Meeting
16. **Closed Session to Discuss Enforcement Case**
 - Discussion on Reconsideration and Disciplinary Cases (Closed Pursuant to Government Code Section 11126(c) (3)).
17. Adjournment

A quorum of the Board will be present. Meetings of the Board of Barbering and Cosmetology are open to the public except when specifically noticed otherwise in accordance with the Open Meeting Act. The audience will be given appropriate opportunities to comment on any issue before the Board, but the Chair may apportion available time among those who wish to speak.

The meeting is accessible to the physically disabled. A person who needs disability-related accommodation or modification in order to participate in the meeting shall make a request no later than five (5) working days before the meeting to the Board by contacting Theresa Rister at (916) 575-7101 or sending a written request to that person at the address noted above.

No Attachment

No Attachment

No Attachment

No Attachment



Board of Barbering and Cosmetology
PO Box 944226, Sacramento, CA 94244
P (800) 952-7574 F (916) 574-7574 | www.barbercosmo.ca.gov

MEMORANDUM

TO: Members
Board of Barbering and Cosmetology

DATE: January 21, 2011

FROM: Kristy Underwood *KU*
Executive Officer

SUBJECT: Scoring Methods in Examinations

Recommended Language

The following language is being recommended by the Department of Consumer Affairs' Office of Professional Examination Services to replace the existing language of California Code of Regulations section 932.

Examinations shall consist of a practical examination and a written examination. The Board shall establish passing scores for examinations based on criterion-referenced scoring methodology.

Next Steps

Should the Board approve new regulatory language, staff will begin the rulemaking process which will include a comment period and a public hearing to take testimony on the proposed changes. Upon completion of the comments period and the public hearing, language will be brought back to the Board to review all comments and determine if they will continue with the original proposed language or make changes to the proposed language.

Attached

Attached is the current regulatory language for passing grades in examinations.

Also attached to this memo (for additional reference) is the information that was provided at the October Board meeting regarding this subject.

932. Passing Grades in Examinations

An overall average of 75 percent shall be the passing grade for examinations.

- (a) Examinations consist of two parts: a practical part and a written part.
- (b) If the applicant fails to receive a passing grade for the barbering examination, the applicant will be required to be reexamined in the practical part and the written part of the examination.
- (c) The total possible examination score for the barbering exam consists of 100 points: The practical part is valued at 80 points and the written portion is valued at 20 points.
- (d) If the applicant fails to receive a passing grade but only fails one part of any cosmetology or electrology examination, the applicant will be required to be re-examined only in the part failed, provided the re-examination takes place within one year after the notice of the results of the examination in which the applicant failed one part has been delivered.
- (e) The total possible examination score for any cosmetology or electrology exam consists of 400 points: The practical part is valued at 300 points and the written portion is valued at 100 points.
- (f) To pass any of the cosmetology or electrology examinations, the applicant must achieve at least 300 points overall including a score of at least 225 in the practical part and at least 70 in the written part.



State and Consumer Services Agency –Governor Edmond G. Brown Jr
Board of Barbering and Cosmetology-Department of Consumer Affairs
 PO Box 944226, Sacramento, CA 94244
 P (800) 952-7574 F (916) 574-7574 | www.barbercosmo.ca.gov



DATE: October 25, 2010

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer

SUBJECT: Scoring Methods for Examinations

Purpose

The purpose of this memo is to provide information that will facilitate the discussion on scoring methods in examinations.

Current Process

The Board scores their examinations in two different manners. The barber exam is scored by aggregate scoring and all others have minimum pass rates set in regulation.

Section 932 of the California Code of Regulations states;

An overall average of 75 percent shall be the passing grade for examinations.

- (a) Examinations consist of two parts: a practical part and a written part.
- (b) If the applicant fails to receive a passing grade for the **barbering** examination, the applicant will be required to be re-examined in the practical part and the written part of the examination.
- (c) The total possible examination score for the **barbering** exam consists of 100 points: The practical part is valued at 80 points and the written portion is valued at 20 points.
- (d) If the applicant fails to receive a passing grade but only fails one part of any **cosmetology or electrology** examination, the applicant will be required to be re-examined only in the part failed, provided the re-examination takes place within one year after the notice of the results of the examination in which the applicant failed one part has been delivered.
- (e) The total possible examination score for any **cosmetology or electrology** exam consists of 400 points: The practical part is valued at 300 points and the written portion is valued at 100 points.
- (f) To pass any of the **cosmetology or electrology** examinations, the applicant must achieve at least 300 points overall including a score of at least 225 in the practical part and at least 70 in the written part.

Given the above noted regulation, the differences in scoring are described in the table below:

Barber	Cosmetologist, Electrologist, Manicurist, Esthetician
<ul style="list-style-type: none"> • Must obtain a total score of 75. • Score is a combined total of practical points achieved and written points achieved • If either the practical or the written part is failed, both parts must be re-taken • Practical is worth 80 points • Written is worth 20 points 	<ul style="list-style-type: none"> • Must obtain a minimum score of 225 on the practical. • Must obtain a minimum score of 70 on the written. • Must have a minimum total of 300 points combined to receive a passing score. • If either the practical part or the written part is failed, only the part that is failed must be re-taken. • Practical is worth 300 points • Written is work 100 points

If an applicant for cosmetology scores 225 on the practical and 70 on the written (total of 295), a license is issued because the minimums have been met.

Scope of Practice

The scopes of practice for a barber and a cosmetologist have some similarities. In the table below, the scopes are displayed side by side and show the similarities and differences between the two license types. (Specific language can be found at Business and Professions Code Section 7316.)

Barber-1500 Hour Course	Cosmetologist-1600 Hour Course
Arranging Dressing Curling Waving Shampooing Cutting Hair Singeing Dyeing Hair Relaxing Applying tonics Shaving or trimming the beard Giving Facial and Scalp Massages and Treatments Chemical Waving Applying cosmetic preparations (scalp, face, neck) Hairstyling	Arranging Dressing Curling Waving Shampooing Cutting Singeing Dyeing Relaxing Applying tonics Cleansing Bleaching Tinting Coloring Straightening Massaging, cleaning or stimulating the scalp, face, neck, arms or upper body Applying cosmetic preparations (face, neck, arms, upper body) Removing superfluous hair from the body Manicuring the nails Massaging, cleansing, treating, beautifying hands and feet.

Violations

A review of the most common violations was conducted to see if there is any indication that the scoring method of the examination results in higher violations. The table below indicates the most common violations:

Violation Description and Count (based on FY 2009/2010)	% committed by Barbers	% committed by Cosmetologists
979 (a) Improper disinfection of non-electrical items (810)	18%	82%
979(b) Disinfectant not changed/covered (1,649)	28%	72%
979 (c) Soiled non-electrical items not in a labeled container (4,072)	20%	80%
979 (d) Incorrect storage of non-electrical disinfected items (3,340)	14%	86%
988(b) Containers not labeled (1,697)	22%	78%

While the percent of these violations is lower for barbers, it should be noted that the volume of licensees is considerably lower. There are currently **21,530** licensed barbers and **273,334** licensed cosmetologists.

In reviewing violations specifically for **barbers**, the top five violations cited are:

Violation	# of times cited in FY 2009/2010
979 (c) Soiled non-electrical items not in a labeled container	804
979 (d) Incorrect storage of non-electrical disinfected items	484
979(b) Disinfectant not changed/covered	461
988(b) Containers not labeled (1,697)	373
978(a) Waste receptacle not covered	343

Current Pass/Fail Rates

Below is the pass/fail rate for the Barber exam from January 1, 2010 to August 31, 2010.

	BARBER			COSMETOLOGIST		
WRITTEN EXAM	Pass	Fail	Total	Pass	Fail	Total
English	666	187	853	7,076	2,667	9,743
Spanish	40	3	43	377	786	1,163
Vietnamese	43	9	52	150	408	558
Total	749	199	948	7,603	3,861	11,464
% Pass/Fail Rate	79%	21%		66%	34%	

	BARBER			COSMETOLOGIST		
PRACTICAL EXAM	Pass	Fail	Total	Pass	Fail	Total
Total	624	175	799	7,220	3,269	10,498
% Pass/Fail Rate	78%	22%		69%	31%	

Total Licenses Issued	Barber	Cosmetologist
	795	7,274

2005 Sunset Report

In March 2005 the Board submitted a report titled "Assessing the Validity of Aggregate Scoring for Board Applicants" (Attached). This report was submitted as part of the Boards sunset review. The conclusion in the report stated that the Board would change its regulations to include a criterion-referenced scoring method as recommended by the Department of Consumer Affairs and allow 5-points to be carried over to the written from the practical disinfection and sanitation portion of the exam. Also included in this report is information stating that rulemaking process for this recommendation was proceeding, however, this package was never filed with the Office of Administrative Law.

In researching the progress of these regulations, the following actions were found:

February 2005	Reported at Board meeting that regulations were filed
April 2005	Reported at Board meeting that regulations were being completed, however the Computer Based Testing vendor could not implement due to inadequate systems
June 2005	Final Statement of Reasons presented to the Board with a caution that the CBT vendor could not implement.
October 2005	DCA notes concerns with the regulations regarding the 5-point transfer
February 2006	Final package provided to Board for approval, 2 members object to language, however, language is approved by 7-2 vote. Still concerns with implementation.
April 2006	Board elects new president

The regulations are not discussed again. It is assumed that with the implementation issues and the concerns noted by DCA, these regulations were not pursued.

Aggregate Scoring

According to the DCA's Office of Professional Examination Services (OPES), aggregate scoring is not a defensible method. The OPES believe that the Board's regulations should be changed to state:

The Board shall establish passing scores in examinations based on the criterion-referenced scoring method.

This language would also be actable with the national examinations.

Next Steps

Should the Board decide to change the regulation for passing grades in examinations, the regulatory process will begin and will include the following tasks:

Task	Approximate time for completion
Prepare initial statement of reasons and public meeting notice	21 days
Obtain approval on ISR from Legal/DCA	30 days
File ISR with Office of Administrative Law	2 days
Hold Public Hearing and Comment Period	50 days
Prepare Final Regulator Package for Board Approval	60 days
If Approved, submit final package to DCA for approval	60 days
If Approved by DCA, file submitted to OAL	30 days
Total estimated time	253 days

Additional time may be required if language is modified during the process.



State and Consumer Services Agency – Governor Edmund G. Brown Jr
Board of Barbering and Cosmetology-Department of Consumer Affairs
PO Box 944226, Sacramento, CA 94244
P (800) 952-5210 F (916) 574-7574 | www.barbercosmo.ca.gov



MEMORANDUM

DATE: January 21, 2011

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer *KU*
Board of Barbering and Cosmetology

SUBJECT: Unregulated Practices

At its October 25, 2010 meeting, the Board directed staff to produce sample language for a possible regulatory rulemaking concerning unregulated activity in California establishments. The language submitted in the exhibits that accompany this memorandum would require establishments to post a sign listing all services provided on the premises that are not licensed by the Board. A sample of what a sign might look like is included. The proposed language would also prohibit an individual with a personal license from posting their license in any work area where an unregulated service is performed.

966. Unregulated Practice

- a) "Unregulated services" are those services not defined as the practice of barbering, cosmetology or electrolysis under Section 7316 of the California Business and Professions Code. These include, but are not limited to: massage therapy, permanent make-up or tattooing.
- b) All unregulated services that are performed within an establishment or school shall be clearly identified as unregulated services and listed on a sign displayed conspicuously in the reception area of the establishment or school. The list of unregulated services shall be preceded by the following text in lettering at least one-half inch high: "Unregulated services: The following services offered in this establishment or school are not regulated by the California State Board of Barbering and Cosmetology."
- c) No person possessing a personal license issued by the Board of Barbering and Cosmetology shall display their license, or allow their license to be displayed, in any work area in which an unregulated service is performed.

Authority: Sections 7312 and 7303.1, Business and Professions Code.

Reference: Sections 7316, 7317, 7346 and 7404

Unregulated services

The following services offered in this establishment are not regulated by the California State Board of Barbering and Cosmetology:

- _____
- _____
- _____
- _____



State and Consumer Services Agency – Governor Edmund G. Brown Jr
Board of Barbering and Cosmetology-Department of Consumer Affairs
PO Box 944226, Sacramento, CA 94244
P (800) 952-5210 F (916) 574-7574 | www.barbercosmo.ca.gov



MEMORANDUM

DATE: January 21, 2010

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer *KU*
Board of Barbering and Cosmetology

SUBJECT: Revised Curriculum for Barbering, Nail Care, and Electrology

In November 2010 the regulatory package to update the curriculum for barbering, manicuring and electrology was denied. This denial was based on the increase of hours to the manicuring program (from 400 hours to 500 hours).

Attached is the revised curriculum for your review and approval. The only changes made to this language are as follows:

- The total number of hours required for the manicuring course has been reduced back to the original 400 hours.
- The total hours covering the overall subjects of health and safety has been reduced from 200 hours to 100 hours.
- The minimum number of hours for Health and Safety technical instruction has been increased from 15 hours to 25 hours.
- The minimum number of hours for Disinfection and Sanitation technical instruction has been increased from 10 hours to 20 hours.

Please note that this is only a recommendation from staff to maintain the total number of hours at 400 and also to increase health and safety, and disinfection and sanitation.

OPTIONS

1. The Board can approve the recommended language above. This will start the regulatory process.
2. The Board can offer suggestions to revise the recommended language above and approve the language with revisions. This will start the regulatory process.
3. The Board can re-submit the previously approved language and attempt to gain approval on the original regulation package.

DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF BARBERING AND COSMETOLOGY

The Board hereby amends Section 950.1 of Article 7 to read as follows:

950.1 Curriculum for Barbering Course.

(a) The curriculum for students enrolled in a barbering course shall consist of fifteen hundred (1500) hours of technical instruction and practical training covering all practices of a barber pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

(1) 1100 Hours of Technical Instruction and Practical Training in Hair Dressing

The required subjects of instruction in Hair Dressing shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

Hairstyling (65 hours of Technical Instruction and 240 Practical Operations):

The subject of Hairstyling shall include, but is not limited to, the following techniques and procedures: Hair analysis, shampooing, finger waving, pin curling, comb outs, straightening, waving, curling with hot combs and hot curling irons and blower styling.

Permanent Waving and Chemical Straightening (40 hours of Technical Instruction and 105 Practical Operations):

The subject of Permanent Waving and Chemical Straightening shall Include, but is not limited to, the following techniques and procedures: Hair analysis, acid and alkaline permanent waving, chemical straightening including the use of sodium hydroxide and other base solutions.

Hair Coloring and Bleaching (60 hours of Technical Instruction and 50 Practical Operations):

The subject of Hair Coloring and Bleaching shall include, but is not limited to, the following techniques and procedures (also including, the use of semi-permanent, demi-permanent and temporary colors): Hair analysis, predisposition and strand tests, safety precautions, formula mixing, tinting, bleaching, high and low lights, and the use of dye removers

Hair Cutting (20 hour of Technical Instruction and 80 Practical Operations):

The subject of Hair Cutting shall include, but is not limited to, the following techniques and procedures: Use of scissors, razor (shaper), electrical clippers/trimmers, and thinning (tapering) shears for wet and dry cutting.

(2) 200 Hours of Technical Instruction and Practical Training in Shaving

The required subjects of instruction in Shaving shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

Preparation and Performance (100 hours of Technical Instruction and 40 Practical Operations)

The subject of Preparation and Performance shall include, but is not limited to the following techniques and procedures: Preparing the client's hair for shaving, assessing the condition of the clients skin, performing shaving techniques, applying after-shave antiseptic following facial services, massaging the client's face, rolling cream massages.

(3) 200 Hours of Technical Instruction in Health and Safety

The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject-matter as follows:

Laws and Regulations (20 hours of Technical Instruction)

The subjects of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.

Health and Safety Considerations (45 hours of Technical Instruction)

Health and Safety/hazardous substances including training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, bacteriology and preventing communicable diseases including HIV/AIDS and Hepatitis B.

Disinfection and Sanitation (20 hours of Technical Instruction)

The subject of Disinfection and Sanitation shall include, but is not limited to the following techniques and procedures: Disinfection and sanitation including proper procedures to protect the health and safety of the consumer as well as the technician, proper disinfection procedures for equipment used in establishments.

Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment.

Anatomy and Physiology (15 hours of Technical Instruction)

The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Human Anatomy, Human Physiology.

(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, client record-keeping, decorum, basic tax information relating to booth renters, independent contractors, employees, and employers.

NOTE: Authority cited: Section 7312 and 7362(b), Business and Professions Code. Reference: Sections 7316, 7321.5(d)(1), 7362.5(a) and 7389, Business and Professions Code.

The Board hereby amends Section 950.4 of Article 7 to read as follows:

950.4. Curriculum for Nail Care Course.

(a) The curriculum for students enrolled in a nail care course shall consist of not less than ~~five~~ **four** hundred (500) hours of technical instruction and practical training covering all practices of a manicurist, pursuant to Section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person or on a mannequin. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

(1) 300 Hours of Technical Instruction and Practical Training in Nail Care

The required subjects of instruction in Nail Care shall be completed with the minimum hours of technical instruction and practical operations for each subject matter as follows:

Manicures and Pedicures (60 hours of Technical Instruction, 60 Practical Operations and 180 nails)

The subject of Manicures and Pedicures shall include, but is not limited to, the following techniques and procedures: Water and oil manicures including hand and arm massage, complete pedicure including foot and ankle massage, application of artificial nails including liquid, gel, and powder brush-ons, nail tips, nail wraps and repairs, and nail analysis.

(2) ~~200~~ **100** Hours of Technical Instruction and Practical Training in Health and Safety

The required subjects of instruction in Health and Safety shall be completed with the minimum number of hours of technical instruction and practical operations for each subject-matter as follows:

Laws and Regulations (10 hours of Technical Instruction)

The subject of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.

Health and Safety Considerations (~~15~~ **25** hours of Technical Instruction)

The subject of Health and Safety shall include, but is not limited to, the following techniques and procedures: Chemistry pertaining to the practices of a manicurist including the chemical composition and purpose of nail care preparations. Health and Safety/Hazardous Substances, including training in chemicals and health in establishments, material safety data sheets, protection from hazardous chemicals and preventing chemical injuries, health and safety laws and agencies, ergonomics, and communicable diseases, including HIV/AIDS and Hepatitis B.

Disinfection and Sanitation (~~40~~ **20** hours of Technical Instruction and 10 Practical Operations)

The subject of Disinfection and Sanitation shall include, but is not limited to, the following techniques and procedures: Procedures to protect the health and safety of the consumer as well as the technician.

The ten required minimum operations shall entail performing all necessary functions for disinfecting instruments and equipment as specified in Sections 979 and 980. Disinfection shall be emphasized throughout the entire training period and must be performed before use of all instruments and equipment, with special attention given to pedicure foot spa and basin disinfection procedures detailed in Sections 980.1, 980.2 and 980.3.

Bacteriology, Anatomy and Physiology (10 hours of Technical Instruction)

The subjects of Anatomy and Physiology shall include, but is not limited to the following issues: Bacteriology, anatomy, physiology, and nail analysis and conditions.

(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, salesmanship, decorum, record keeping, client service record cards, basic tax responsibilities related to independent contractors, booth renters, employees, and employers.

Note: Authority cited: Sections 7312, 7362 and 7365, Business and Professions Code. Reference: Sections 7316(c)(2)), 7326(d)(1), 7362, 7365 and 7389, Business and Professions Code.

The Board hereby amends Section 950.5 of Article 7 to read as follows:

950.5. Curriculum for Electrolysis Course.

(a)The curriculum for students enrolled in an electrology course shall consist of six hundred (600) hours of technical instruction and practical training covering all practices constituting the art of electrology pursuant to section 7316 of the Barbering and Cosmetology Act.

(b) For the purpose of this section, technical instruction shall mean instruction by demonstration, lecture, classroom participation, or examination; practical operations shall mean the actual performance by the student of a complete service on another person. Practical training shall mean the time it takes to perform a practical operation. Technical instruction and practical training shall include the following hours:

(1) 400 Hours of Technical Instruction and Practical training in Electrolysis, Thermolysis, Blend/Dual Modality and Electricity

The required subjects of instruction in electrolysis, thermolysis, blend/dual modality and electricity shall be completed with the minimum hours of technical instruction and practical operations for each subject-matter as follows:

Electrolysis (45 hours of Technical Instruction and 60 Practical Operations)

The subject of Electrolysis shall include the study of epilation using single and multiple-needle insertion techniques, the use of galvanic current, skin reactions and anaphoresis and cataphoresis, and evaluating a client's health history for compatibility with electrolysis treatments.

Thermolysis (45 hours of Technical Instruction and 60 Practical Operations)

The subject of Thermolysis shall include the study of epilation using automatic and manual thermolysis equipment, insertion techniques, the use of high frequency current in both high and low intensities, skin reactions, and evaluating a client's health history for compatibility with thermolysis treatments.

Blend/Dual Modality (45 hours of Technical Instruction and 60 Practical Operations)

The subject of Blend/Dual Modality shall include the study of epilation using a combination of high frequency and galvanic currents, insertion techniques, skin reactions and anaphoresis and cataphoresis, and evaluating a client's health history for compatibility with blend/dual Modality treatments

Electricity (15 hours of Technical Instruction)

The subject of Electricity shall include the nature of electrical current; principles of operating electrical devices; various safety precautions to be applied when operating electrical equipment, and proper maintenance of equipment.

(2) 200 Hours of Technical Instruction in Health and Safety

The required subjects of instruction in Health and Safety shall be completed with the minimum hours of technical instruction for each subject-matter as follows:

Laws and Regulations (20 Hours of Technical Instruction)

The subject of Laws and Regulations shall include, but is not limited to, the following issues: The Barbering and Cosmetology Act and the Board's Rules and Regulations.

Health and Safety Considerations (45 Hours of Technical Instruction)

The subject of Health and Safety shall include, but is not limited to, bacteriology, and HIV/AIDS, hepatitis, herpes, staphylococcal infections and other communicable diseases and their prevention, ergonomics, electrical safety and Material Safety Data Sheets.

Sterilization (20 Hours of Technical Instruction)

The subject of Sterilization shall include, but is not limited to, the study of proper procedures and techniques for protecting the health and safety of the consumer as well as the technician, and sanitizing equipment used in establishments.

Sterilization and sanitation shall be emphasized throughout the entire training period and must be performed on all instruments and equipment before use. Sterilization times and dates should be monitored and be recorded.

Anatomy and Physiology (20 Hours of Technical Instruction)

The subjects of Anatomy and Physiology shall include but is not limited to human anatomy and physiology, dermatology and the analysis of skin and hair, and the study of the circulatory, nervous, and endocrine systems.

(c) The Board recommends that schools provide training in the area of communication skills that includes professional ethics, consultation, pre- and post-treatment care, salesmanship, decorum, record keeping, client service records, business skills, and basic tax information relating to independent contractors, employees and employers.

NOTE: Authority cited: Sections 7312 and 7362, Business and Professions Code. Reference: Sections 7316(d), 7330(d)(1), 7362, 7366, and 7389, Business and Professions Code

The Board hereby deletes Section 962.3 of Article 8.5 as follows:

~~962.3 Externship Curriculum for Cosmetology Students.~~

~~(a) Total clock hour credit toward graduation for a student extern participating in a cosmetology externship program is limited to 160 hours.~~

~~(b) For purposes of this section, technical instruction shall mean instruction by demonstration, lecture, student extern participation or examination; practical operations required shall mean the actual performance by the student extern of a complete service on another person. Technical instruction and practical operations required to be covered in the externship program for cosmetology student externs, as well as the maximum credit to be gained in each area, include:~~

	Maximum Hours of Technical Instruction	Maximum Practical Operations
Disinfection and Sanitation	2	4
Wet Hair Styling	10	20
Thermal Hair Styling	10	10
Press and Curl	0	3
Permanent Waving	10	10
Chemical Straightening	4	5
Haircutting	10	10
Hair coloring and Bleaching	10	8
Scalp and Hair Treatments	0	2
Facials (Manual)	1	1
Facials (Electrical)	1	2
Facials (Chemical)	1	2

Eyebrow Arching and Hair Removal	1	2
Makeup	2	1
Manicuring (Water and Oil)	1	2
Pedicure	1	2
Acrylic Nails	2 nails	5 nails
Artificial Nail Tips	2 nails	5 nails
Nail Wraps and Repair	1 nail	2 nails

~~NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.~~

The Board hereby deletes Section 962.4 of Article 8.5 as follows:

~~962.4 Externship Curriculum for Skin Care Students.~~

~~(a) Total clock hour credit toward graduation for a student extern participating in a skin care externship program is limited to 60 hours.~~

~~(b) For purposes of this section, technical instruction shall mean instruction by demonstration, lecture, student extern participation or examination; practical operations required shall mean the actual performance by the student extern of a complete service on another person. Technical instruction and practical operations required to be covered in the externship program for skin care student externs, as well as the maximum credit to be gained in each area, include:~~

	Maximum Hours of Technical Instruction	Maximum Practical Operations
Disinfection and Sanitation	2	2
Facials – Manual	8	8
Facials – Electrical	4	6
Facials – Chemical	4	4

Eyebrow Arching & Hair Removal

(Tweezers)	4	5
(Wax and Depilatories)	8	6
Make-up	8	6

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.

The Board hereby deletes Section 962.5 of Article 8.5 as follows:

~~962.5 Externship Curriculum for Nail Care Students.~~

~~(a) Total clock hour credit toward graduation for a student extern participating in a nail care externship program is limited to 40 hours.~~

~~(b) For purposes of this section, technical instruction shall mean instruction by demonstration, lecture, student extern participation or examination; practical operations required shall mean the actual performance by the student extern of a complete service on another person. Technical instruction and practical operations required to be covered in the externship program for nail care student externs, as well as the maximum credit to be gained in each area, include:~~

	Maximum Hours of Technical Instruction	Maximum Practical Operations
Disinfection and Sanitation	4	2
Water and Oil Manicures	3	6
Pedicures	3	3
Acrylic Nails	4 nails	8 nails
Artificial Nail Tips	4 nails	6 nails
Nail Wraps and Repair	3 nails	4 nails

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.

The Board hereby deletes Section 962.6 of Article 8.5 as follows:

~~962.6 Externship Curriculum for Cosmetology Crossover Course for Barber Students.~~

~~(a) Total clock hour credit toward graduation for a student extern participating in a cosmetology crossover course externship program is limited to 40 hours.~~

~~(b) For purposes of this section, technical instruction shall mean instruction by demonstration, lecture, student extern participation or examination; practical operations required shall mean the actual performance by the student extern of a complete service on another person. Technical instruction and practical operations required to be covered in the externship program for nail care student externs, as well as the maximum credit to be gained in each area, include:~~

	Maximum Hours of Technical Instruction	Maximum Practical Operations
Disinfection and Sanitation	2	4
Wet Hair Styling	4	4
Thermal Hair Styling	4	2
Press and Curl	4	3
Permanent Waving	4	2
Chemical Straightening	4	2
Haircutting	0	4
Haircoloring and Bleaching	2	2
Facials (Chemical)	4	2

NOTE: Authority cited: Section 7312, Business and Professions Code. Reference: Section 7395.1, Business and Professions Code.



State and Consumer Services Agency – Governor Edmund G. Brown Jr.
Board of Barbering and Cosmetology-Department of Consumer Affairs
 PO Box 944226, Sacramento, CA 94244
 P (800) 952-5210 F (916) 574-7574 | www.barbercosmo.ca.gov



2011 LEGISLATIVE PRIORITIES

Please note that the following information is only a recommendation from staff.

Continuing Education

Goal:	To obtain statutory authority to require the completion of continuing education by all licensees.
Action:	Develop Language Obtain Author
Staff Comments:	Staff recommends that this issue be taken up in a committee/work group meeting. Prior to finding an author, the Board should be prepared to discuss the fiscal impact, implementation impact, support and/or opposition.

Remedial Education

Goal:	To obtain statutory authority to allow a licensee to complete a remedial education class in lieu of paying an administrative fine.
Action:	Language has been developed and approved. Obtain Author
Staff Comments:	Staff is working on obtaining an author, however, further discussion is needed on implementation of this program, fiscal impact, and support/opposition.

Default Decisions

Goal:	To obtain statutory authority to allow default decisions to be approved by the Executive Officer.
Action:	Language developed. Submitted to DCA as Legislative Proposal.
Staff Comments:	Staff recommends that this be approved as a priority for 2011. While it is not a significant change, it will eliminate the need for a mail vote on a default decision.

School Oversight

Goal:	To obtain statutory authority to have sole oversight of schools.
Action:	Develop Language Obtain Author
Staff Comments:	<p>While staff understands that the Board's ultimate goal is to obtain full oversight of schools, language has been developed and submitted to the DCA for consideration of establishing a fee for application processing and inspection as well as the authority to remove the school approval granted by the Board.</p> <p>The Board currently approves curriculum, space, minimum equipment and textbooks and conducts inspections of the 387 approved schools. In addition the Board does not have specific disciplinary authority to remove its approval once it is granted.</p>

Booth Rental

Goal:	To obtain statutory authority to require booth renters to obtain a Booth Rental License.
Action:	Develop Language Obtain Author
Staff Comments:	The Board held a workgroup discussion on the requirement of a booth rental license and determined that the best approach is through legislation. Prior to finding an author, the Board should be prepared to discuss the fiscal impact, implementation impact, support and/or opposition.



State and Consumer Services Agency – Governor Edmund G. Brown Jr
Board of Barbering and Cosmetology-Department of Consumer Affairs
 PO Box 944226, Sacramento, CA 94244
 P (800) 952-5210 F (916) 574-7574 | www.barbercosmo.ca.gov



MEMORANDUM

DATE: January 21, 2011

TO: Members, Board of Barbering and Cosmetology

FROM: Kristy Underwood, Executive Officer *KU*
 Board of Barbering and Cosmetology

SUBJECT: Regulations Update

Administrative Fine Schedule: As per the Board's direction, staff made changes to the original language of the proposed new fine schedule and opened a 15-day period for public comment on the modified text. That period expired on January 3, 2011. No comments were received. The final rulemaking file was submitted on January 6, 2011, to the Legislative and Policy Review Division of the Department of Consumer Affairs (DCA) for review. From there, it will be reviewed by DCA's Legal Affairs Division and then submitted to the DCA Director for signature. It will then be forwarded to the State and Consumer Services Agency for final approval before being submitted to the Office of Administrative Law.

Disciplinary Guidelines: The Board's revised Disciplinary Guidelines have been approved by legal counsel at the Department of Consumer Affairs. Staff is now in the process of submitting a notice in the Office of Administrative Law's Rulemaking Register. This will launch a 45-day public comment period culminating in a public hearing.

No Attachment

No Attachment

**Quarterly Barbering and Cosmetology
Licensing Statistics
Fiscal Year 10/11**

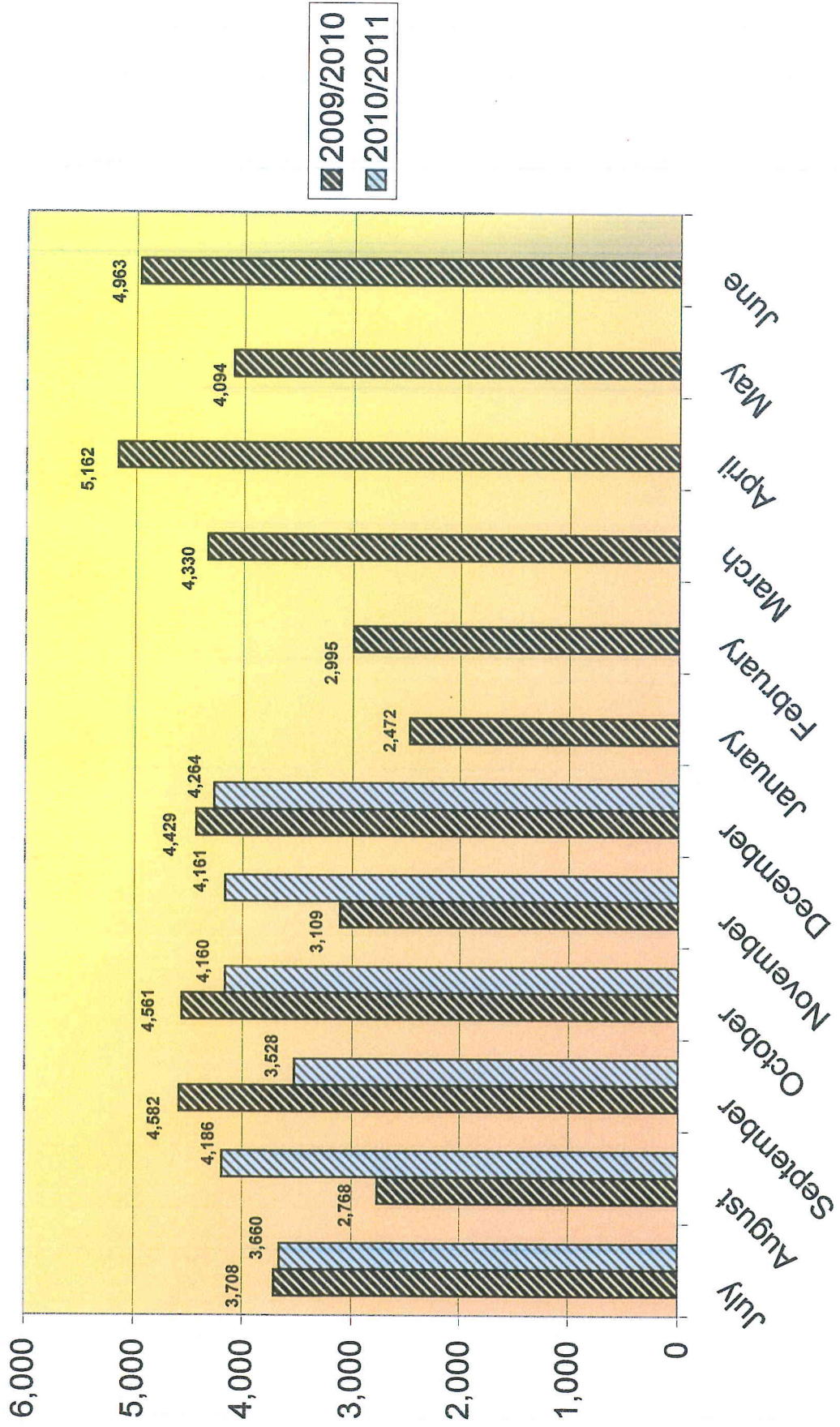
Applications Received

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD*
Establishment	1,467	1,488			2,955
Barber	435	452			887
Barber Apprentice	63	49			112
Cosmetology	5,519	6,067			11,586
Cosmetology Apprentice	102	133			235
Electrology	7	8			15
Manicuring	1,980	2,268			4,248
Esthetician	1,801	2,120			3,921
Total	11,374	12,585	0	0	23,959

Licenses Issued

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD*
Establishment	1,667	1,302			2,969
Barber	367	215			582
Barber Apprentice	69	42			111
Cosmetology	3,107	2,833			5,940
Cosmetology Apprentice	103	123			226
Electrology	2	3			5
Manicuring	1,038	1,072			2,110
Esthetician	1,269	1,030			2,299
Total	7,622	6,620	0	0	14,242

Number of Applications Received



Examination Results

(October 1, 2010- December 31, 2010)

Practical Examinations

Administered	Passed	Failed	Total	Pass Rate	*DNA
Barber	209	56	265	79%	63
Cosmetologist	2,891	1,191	4,082	71%	839
Esthetician	1,081	184	1,265	85%	147
Electrologist	2	0	2	100%	1
Manicurist	1,044	271	1,315	79%	186
TOTAL	5,227	1,702	6,929	75%	1,236

* Did Not Attend

Written Examinations

Barber	Passed	Failed	Total	Pass Rate
English	193	52	245	79%
Spanish	6	3	9	67%
Vietnamese	11	1	12	92%
TOTAL	210	56	266	79%

Cosmetologist	Passed	Failed	Total	Pass Rate
English	2,582	911	3,493	74%
Spanish	146	275	421	35%
Vietnamese	96	158	254	38%
TOTAL	2,824	1,344	4,168	68%

Manicurist	Passed	Failed	Total	Pass Rate
English	300	121	421	71%
Spanish	5	4	9	56%
Vietnamese	785	481	1,266	62%
TOTAL	1,090	606	1,696	64%

Esthetician	Passed	Failed	Total	Pass Rate
English	690	238	928	74%
Spanish	2	3	5	40%
Vietnamese	360	254	614	59%
TOTAL	1,052	495	1,547	68%

Electrologist	Passed	Failed	Total	Pass Rate
English	3	0	3	100%
Spanish	0	0	0	0%
Vietnamese	0	0	0	0%
TOTAL	3	0	3	100%

WRITTEN EXAMINATION STATISTICS

Overall Pass/Fail Rates																	
EXAM TYPE	ENGLISH						SPANISH						VIETNAMESE				
	PASSED	FAILED	TOTAL	% PASSED	% FAILED		PASSED	FAILED	TOTAL	% PASSED	% FAILED		PASSED	FAILED	TOTAL	% PASSED	% FAILED
BARBER	110	24	134	82%	18%		9	0	9	100%	0%		6	1	7	86%	14%
Jul-10																	
Aug-10	105	30	135	78%	22%		9	1	10	90%	10%		10	1	11	91%	9%
Sep-10	88	19	107	82%	18%		4	1	5	80%	20%		4	1	5	80%	20%
Oct-10	68	15	83	82%	18%		2	0	2	100%	0%		4	0	4	100%	0%
Nov-10	54	19	73	74%	26%		2	2	4	50%	50%		4	1	5	80%	20%
Dec-10	71	18	89	80%	20%		2	1	3	67%	33%		3	0	3	100%	0%
Jan-11																	
Feb-11																	
TOTAL	496	125	621	80%	20%		28	5	33	85%	15%		31	4	35	89%	11%
COSMETOLOGY	974	363	1,337	73%	27%		40	87	127	31%	69%		24	71	95	25%	75%
Jul-10																	
Aug-10	1,085	368	1,453	75%	25%		60	106	166	36%	64%		27	55	82	33%	67%
Sep-10	1,015	320	1,335	76%	24%		54	101	155	35%	65%		25	55	80	31%	69%
Oct-10	854	289	1,143	75%	25%		46	93	139	33%	67%		33	52	85	39%	61%
Nov-10	842	293	1,135	74%	26%		51	88	139	37%	63%		36	47	83	43%	57%
Dec-10	886	329	1,215	73%	27%		49	94	143	34%	66%		27	59	86	31%	69%
Jan-11																	
Feb-11																	
TOTAL	5,656	1,962	7,618	74%	26%		300	569	869	35%	65%		172	339	511	34%	66%
MANICURIST	115	54	169	68%	32%		1	4	5	20%	80%		213	175	388	55%	45%
Jul-10																	
Aug-10	130	61	191	68%	32%		1	3	4	25%	75%		224	239	463	48%	52%
Sep-10	90	60	150	60%	40%		1	2	3	33%	67%		229	178	407	56%	44%
Oct-10	96	46	142	68%	32%		2	2	4	50%	50%		214	142	356	60%	40%
Nov-10	86	35	121	71%	29%		2	0	2	100%	0%		261	159	420	62%	38%
Dec-10	118	40	158	75%	25%		1	2	3	33%	67%		310	180	490	63%	37%
Jan-11																	
Feb-11																	
TOTAL	635	296	931	68%	32%		8	13	21	38%	62%		1,451	1,073	2,524	57%	43%
ESTHETICIAN	343	95	438	78%	22%		1	1	2	50%	50%		84	101	185	45%	55%
Jul-10																	
Aug-10	309	82	391	79%	21%		2	1	3	67%	33%		125	135	260	48%	52%
Sep-10	280	81	361	78%	22%		0	4	4	0%	100%		118	129	247	48%	52%
Oct-10	206	80	286	72%	28%		1	0	1	100%	0%		107	80	187	57%	43%
Nov-10	226	81	307	74%	26%		0	2	2	0%	100%		115	93	208	55%	45%
Dec-10	258	77	335	77%	23%		1	1	2	50%	50%		138	81	219	63%	37%
Jan-11																	
Feb-11																	
TOTAL	1,602	496	2,098	76%	24%		5	9	14	36%	64%		779	812	1,591	49%	51%
ELECTROLOGY	0	0	0	0%	0%		0	0	0	0%	0%		0	0	0	0%	0%
Jul-10																	
Aug-10	2	1	3	67%	33%		0	0	0	0%	0%		0	0	0	0%	0%
Sep-10	0	1	1	0%	100%		0	0	0	0%	0%		0	0	0	0%	0%
Oct-10	1	0	1	100%	0%		0	0	0	0%	0%		0	0	0	0%	0%
Nov-10	0	0	0	0%	0%		0	0	0	0%	0%		0	0	0	0%	0%
Dec-10	2	0	2	100%	0%		0	0	0	0%	0%		0	0	0	0%	0%
Jan-11																	
Feb-11																	
TOTAL	5	2	7	71%	29%		0	0	0	0%	0%		0	0	0	0%	0%



State and Consumer Services Agency – Arnold Schwarzenegger Governor
BOARD OF BARBERING AND COSMETOLOGY
 P.O. Box 944226, Sacramento, CA 94244-2260
 P (800) 952-5210 F (916) 575-7281 www.barbercosmo.ca.gov



QUARTERLY BARBERING AND COSMETOLOGY DISCIPLINARY REVIEW COMMITTEE STATISTICS

Fiscal Year 10-11

Report Date: December 31, 2010

	October - December	YTD
--	--------------------	-----

SOUTHERN

Heard	480	755
Received	603	1053
Pending ¹	924	924 ²

NORTHERN

Heard	143	494
Received	329	598
Pending ¹	498	498 ²

¹ Pending refers to the number of appeals received but not yet heard by DRC.

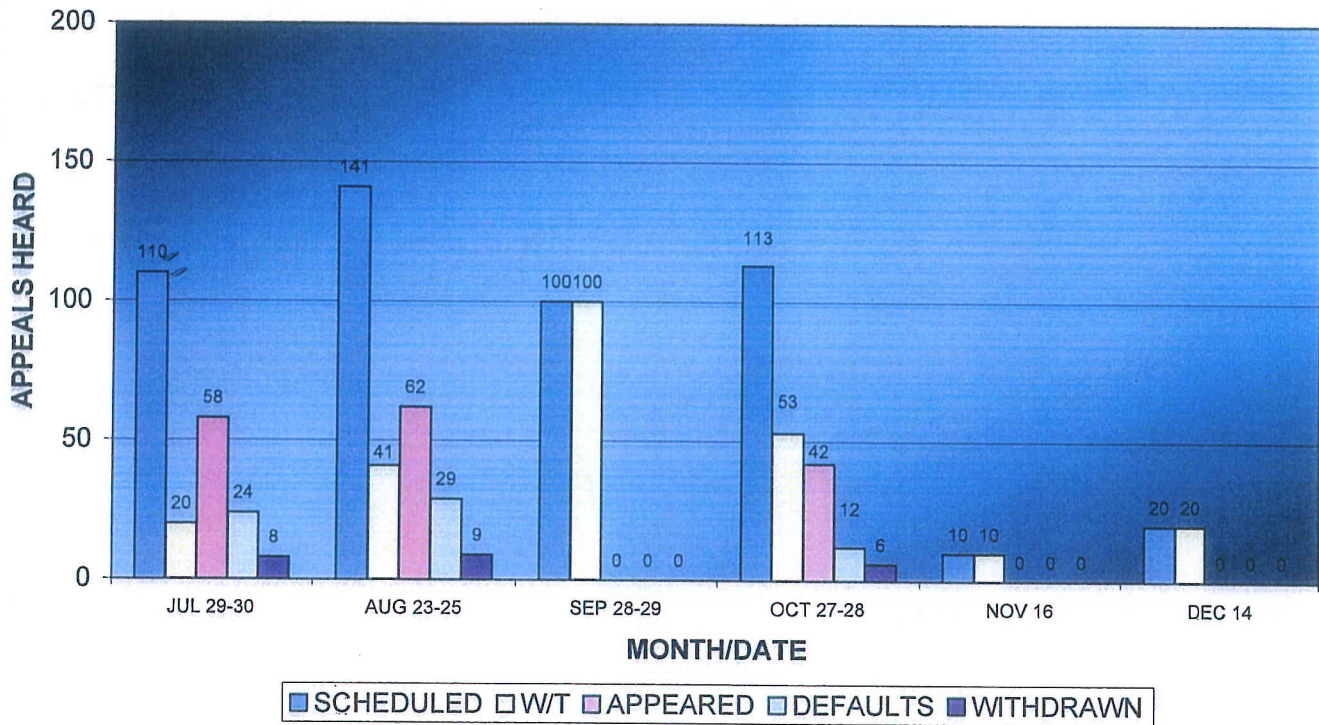
² Figure represents number of pending requests as of report date.

2011 SCHEDULED HEARINGS

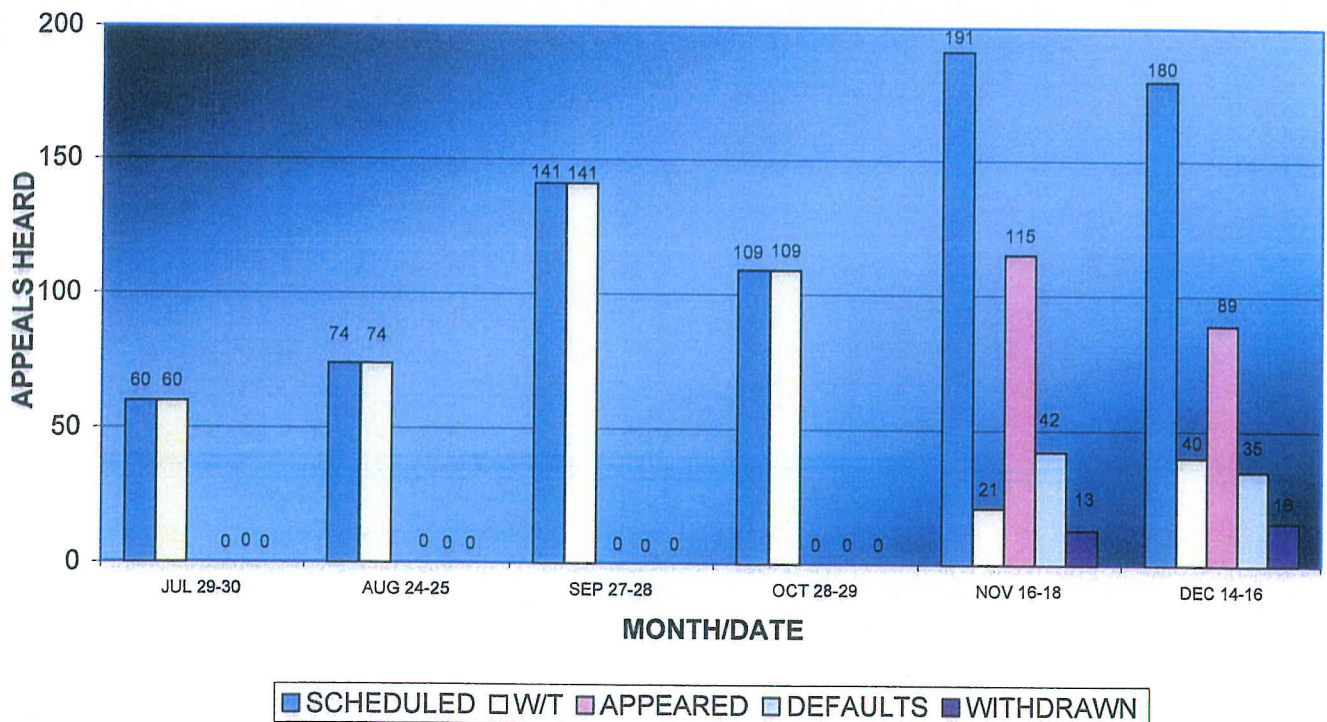
Area	Location	Date
Southern	Los Angeles	January 18-20, 2011
Southern	Los Angeles	February 23-25, 2011 ³
Southern	Los Angeles	March 22-24, 2011 ³
Northern	Sacramento	April 25-27, 2011 ³
Southern	Los Angeles	May 24-26, 2011 ³
Southern	Los Angeles	June 28-30, 2011 ³

³ Tentative hearing dates.

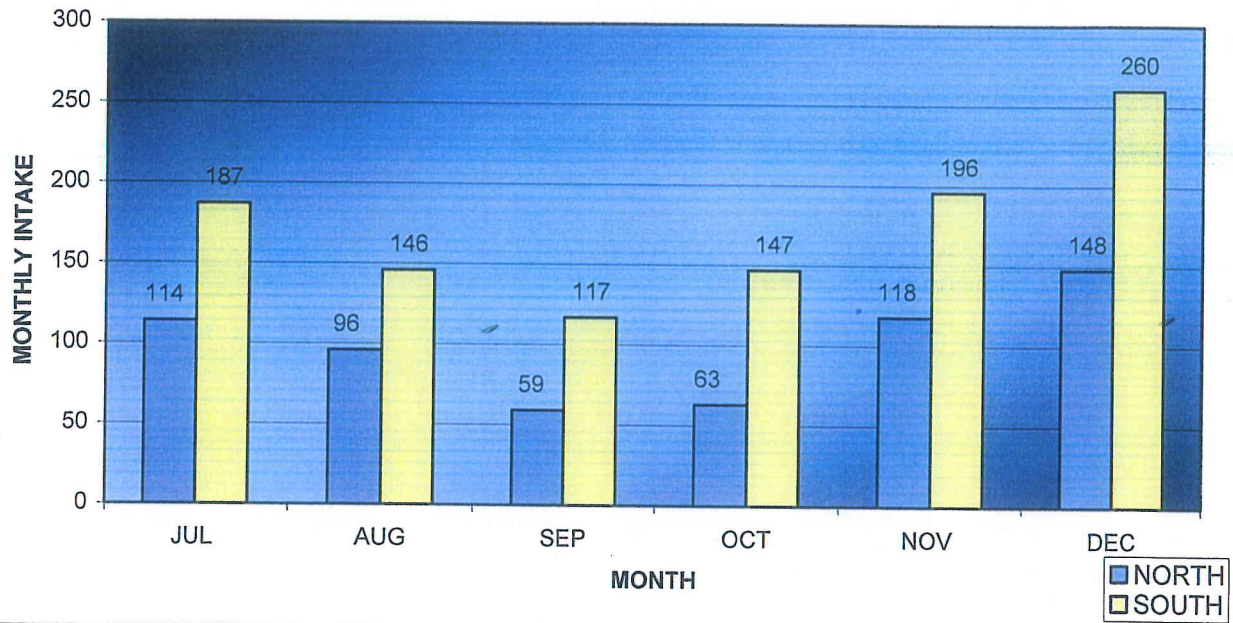
NORTHERN DRC HEARINGS (Fiscal Year 10-11)



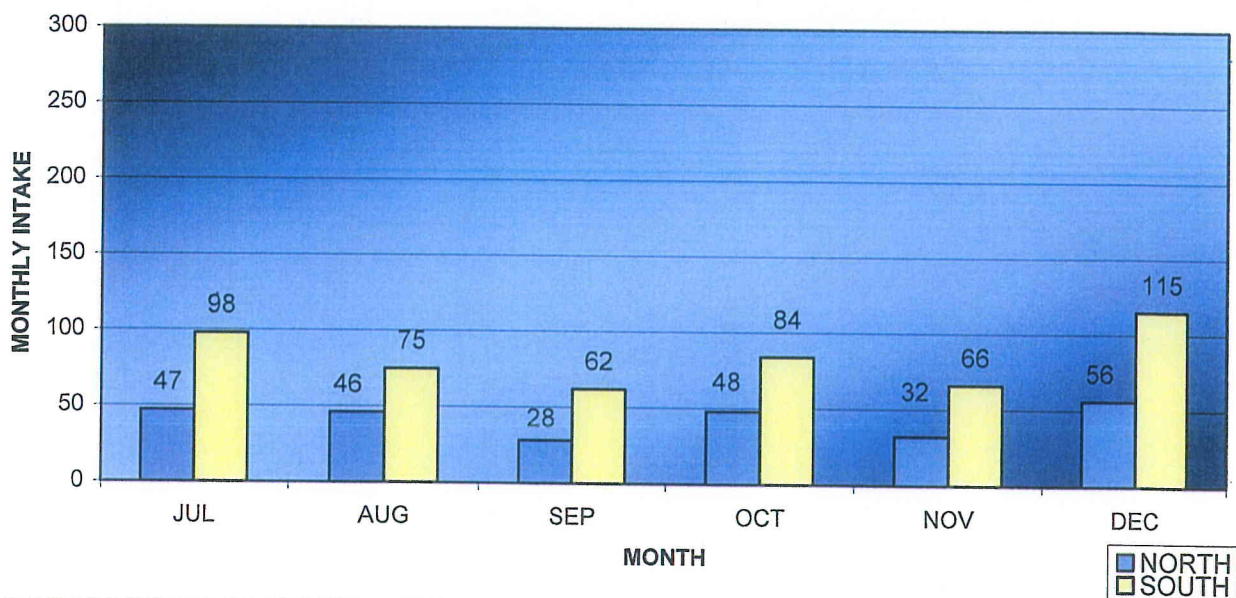
SOUTHERN DRC HEARINGS (Fiscal Year 10-11)



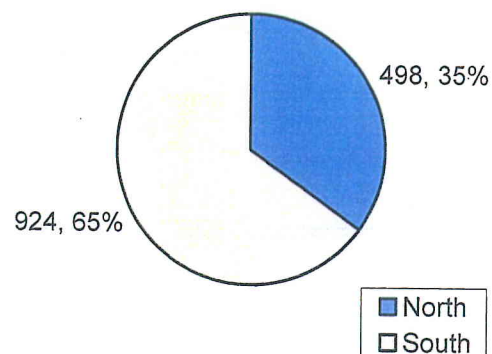
DRC MONTHLY INCOMING APPEALS (Fiscal Year 10-11)



DRC MONTHLY INCOMING WT APPEALS (Fiscal Year 10-11)



**DRC APPEALS WAITING TO BE HEARD/SCHEDULED
(As of December 31, 2010)**



ENFORCEMENT STATISTICS Fiscal Year 10/11
Report Date January 6, 2011

Agenda Item #12

	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD*
COMPLAINTS					
Complaints Received	751	716			1467
Referred to DOI	14	15			29
Complaints Closed	1199	1146			2345
Total Complaints Pending	929	857			857
APPLICATION INVESTIGATIONS					
Received	448	362			810
Pending	98	71			71
Closed	441	390			831
ATTORNEY GENERAL					
Referred	24	26			50
Accusations Filed	10	12			22
Statement of Issues Filed	1	0			1
Total Pending	98	91			91
DISCIPLINARY PROCESS					
Proposed Decision	1	3			4
Default Decision	5	4			9
Stipulation	7	9			16
DISCIPLINARY OUTCOMES					
Revocation	9	8			17
Revoke, Stay, Probation	2	5			7
Revoke, Stay, Suspend/Prob	12	4			16
Revocation, Stay w/ Suspend	0	0			0
Probation Only	0	0			0
Suspension Only	0	0			0
Suspension & Probation	0	0			0
Suspension, Stay, Probation	4	6			10
Surrender of License	1	0			1
Public Reprimands	0	0			0
License Denied	1	0			1
Other	0	0			0
Total	29	23			52
PROBATION					
Active	267	247			247
	Jul-Sept	Oct-Dec	Jan- Mar	Apr-Jun	YTD
CITATIONS*					
Establishments	2115	1374			3489
Barber	143	72			215
Barber Apprentice	16	5			21
Cosmetologist	771	517			1288
Cosmetologist Apprentice	2	7			9
Electrologist	1	0			1
Electrologist Apprentice	0	0			0
Manicurist	505	297			802
Esthetician	75	21			96
Unlicensed Est.	130	82			212
Unlicensed Individual	132	97			229
Total	3890	2472			6362
INSPECTIONS*					
Establishments w/ violations	1480	1194			2674
Establishments w/o violations	369	280			649
Total	1849	1474			3323

*Reporting Inspections and Citations through November 30, 2010. Still inputing December data. □



State and Consumer Services Agency – Governor Edmund G. Brown Jr.

BOARD OF BARBERING AND COSMETOLOGY

P.O. Box 944226, Sacramento, CA 94244-2260

P (800) 952-5210 F (916) 575-7281 www.barbercosmo.ca.gov



Budget Updates

1. Budget 2010/11 Fiscal Year (July 2010 - June 2011):

Chart 1 displays the revenues received as of November 30, 2010.

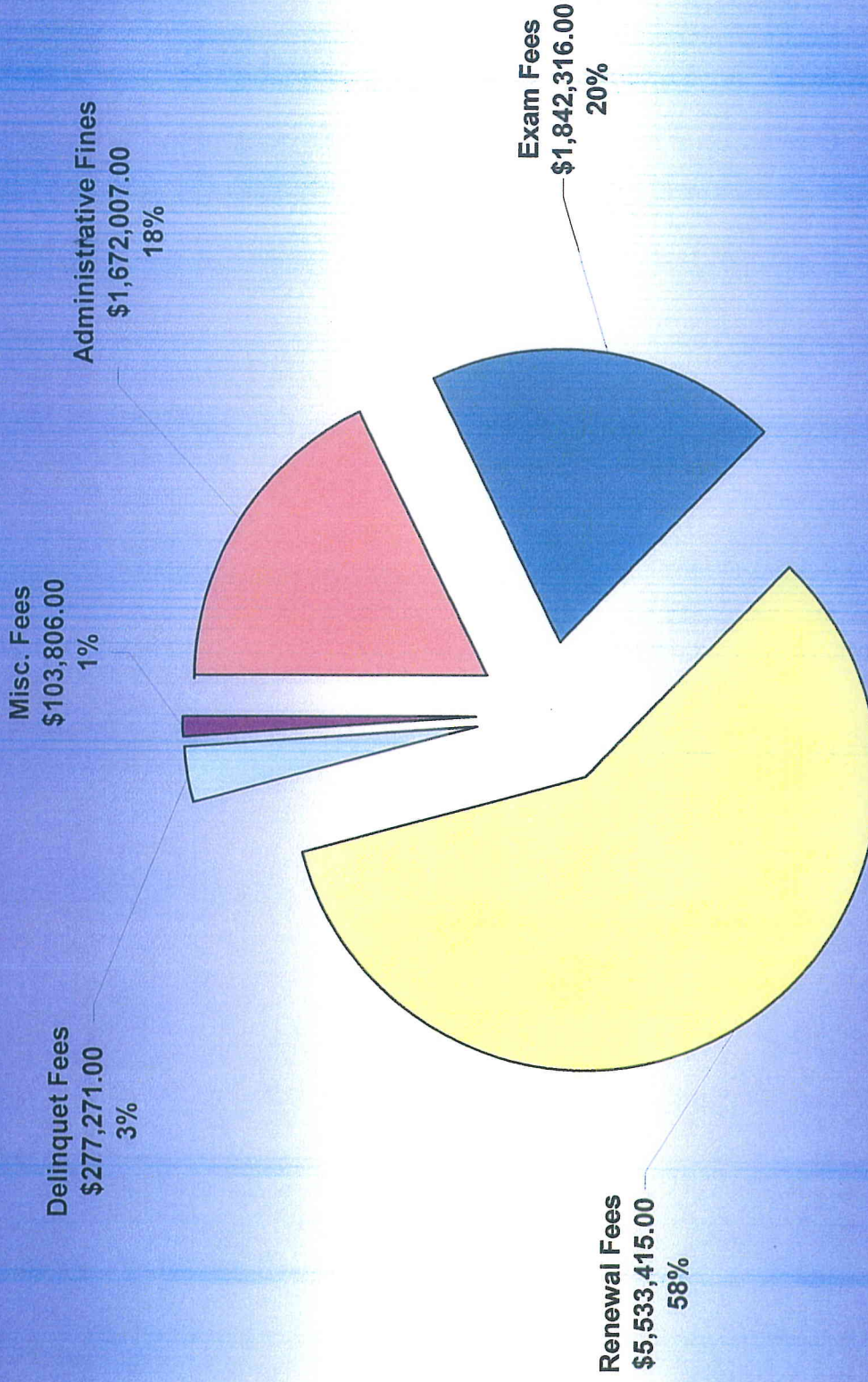
Chart 2 displays the expenditures as of November 30, 2010.

Attachment 3 displays projected expenditures for end of the year.

Monthly Budget Report (10/11 FY)

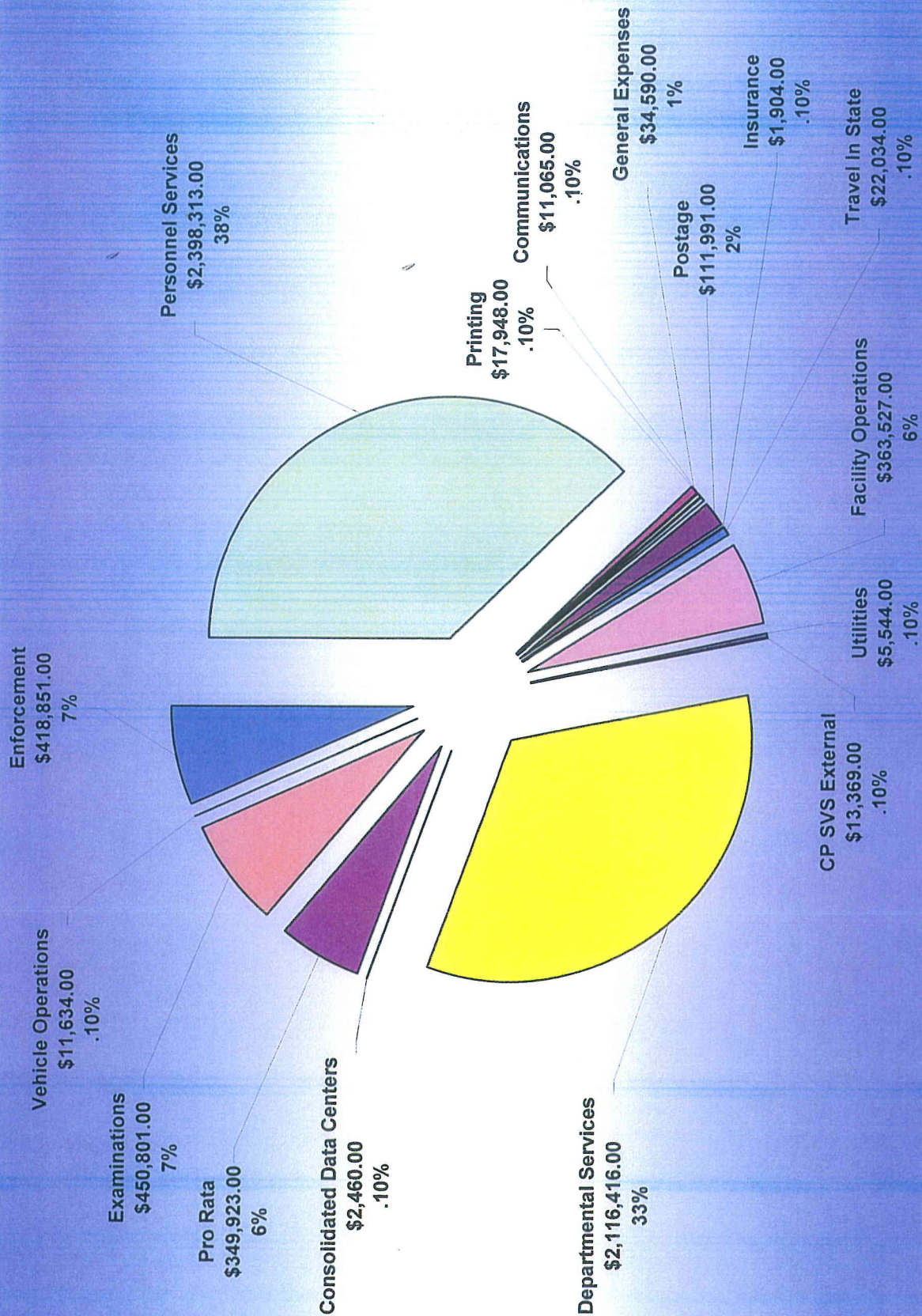
Revenues

(As of 11/30/10)



Revenues as of 11/30/10
\$9,428,816

Monthly Budget Report (10/11 FY)
Expenditures
(As of 11/30/10)



Expenditures as of 11/30/10
\$6,330,370

Board of Barbering and Cosmetology
Fiscal Year 2010/2011
Projected Expenditures 11/30/10

Personnel Services	ALLOTMENT	BBC Projected Expenditures	Projected Year
Permanent	3,723,645	3,723,645	0
Expert Examiners	464,259	464,259	0
Temporary	22,298	134,916	(112,618)
Statutory-Exempt	103,308	103,308	0
Board Member Commission	0	17,200	(17,200)
Overtime	0	10,000	(10,000)
Total Salary & Wages	4,313,510	4,453,328	(139,818)
Salary Savings	(155,368)	0	(155,368)
5% Salaray Savings	0	278,460	(278,460)
Net Salary & Wages	4,158,142	4,731,788	(573,646)
Staff Benefits	1,900,263	1,900,263	0
Total of Personnel Servies	6,058,405	6,632,051	(573,646)
Operating Expenses & Equipment (OE&E)	Allotment	BBC Projected Expenditures	Projected Year End Balance
General Expense	264,500	264,500	0
Printing	243,995	241,995	2,000
Communication	110,722	110,477	245
Postage	339,384	300,000	39,384
Insurance	4,489	2,500	1,989
Travel In State	82,789	82,789	0
Travel, Out-of-State	0	0	0
Training	24,513	20,000	4,513
Facilities Operations	1,327,231	1,327,231	0
Consultant & Professional Svs. - Interdept.	125,781	0	125,781
Consultant & Professional Svs. - External	196,947	196,947	0
Depart. and Central Admin. Services	5,514,424	5,490,943	23,481
Consolidated Data Center	70,088	70,088	0
Examinations	1,354,034	1,354,034	0
Major Equipment	0	0	0
Minor Equipment	15,000	15,000	0
Data Processing	0	2,000	(2,000)
Other Items of Expense	7,288	5,000	2,288
Vehicle Operations	14,772	14,772	0
Enforcement	1,746,520	1,112,837	633,683
Special Items of Expenses	0	0	0
Required OE&OSavings		148,724	(148,724)
Total Operating Expenses & Equipment	11,442,477	10,759,837	682,640
Total reimbursements	(57,000)		(57,000)
Total	17,443,882	17,391,888	625,640

2011 Outreach/Industry Events

- January 29 - 31 Salon & Spa ISSE Show in Long Beach
- March 2nd and March 5th Evans Consumer Information Fair in Los Angeles
- March 20 - 21 Spectrum International Beauty Expo in Los Angeles
- April 10 - 11 Spring Style Show in San Jose
- May 8 - 9 Barristar Beauty School Forum in Anaheim
- October 16 - 17 Barristar Beauty School Forum in Burbank



State and Consumer Services Agency – Governor Edmond G. Brown Jr.
Board of Barbering and Cosmetology - Department of Consumer Affairs
 PO Box 944226, Sacramento, CA 94244
 P (800) 952-7574 F (916) 574-7574 | www.barbercosmo.ca.gov



CALIFORNIA STATE BOARD OF BARBERING AND COSMETOLOGY

MINUTES OF OCTOBER 25, 2010

Department of Consumer Affairs
1625 N. Market Blvd.
Hearing Room, 1st Floor
Sacramento, CA 95834

DRAFT

BOARD MEMBERS PRESENT

Richard Hedges
 Frank Lloyd
 Ken Williams
 Christie Tran
 Deedee Crossett
 Marie Lemelle
 Dr. David Rabago
 Ted Nelson

STAFF MEMBERS PRESENT

Kristy Underwood, Executive Officer
 Hilda Youngblood, Assist. Executive Officer
 Gary Duke, Staff Counsel
 Theresa Rister, Board Analyst

1. Agenda Item #1, CALL TO ORDER/ROLL CALL

Mr. Hedges called the meeting to order. The board members and staff introduced themselves.

2. Agenda Item #2, PUBLIC COMMENT

Members of the public did not wish to comment at this time.

3. Agenda Item, #3, BOARD PRESIDENT'S REPORT

Mr. Hedges praised the staff and their efforts to keep up with the work of the department despite budget and personnel cutbacks.

Mr. Hedges reported on a ride-along he went on a month ago. He reported he has been meeting with Mr. Lloyd and Fred Jones regarding pertinent issues. He hoped more outreach will be done.

4. **Agenda Item #4, EXECUTIVE OFFICER'S REPORT**

Ms. Underwood thanked Mr. Hedges for his comments. She agreed everyone was working very hard. She introduced the managers in the audience including Heather Berg, the Enforcement Manager; Debra Brown, Inspections and Cite & Fine Manager; Kari Frank, Licensing Manager and Acting Admin Manager; and Marion Welch, Supervising Examiner. She also introduced Theresa Rister Licensing Unit Lead; Vlad Chepurney, Disciplinary Review Committee Lead; Patricia Garcia, Admin Unit Lead; Roseanna Webb Flores, Probation Lead; Jennifer Jones, Enforcement Lead; Jennifer Porcalla, Cite and Fine Unit Lead. Ms. Underwood also acknowledged the inspectors who are working in the field everyday.

- **Licensing Statistics:** Mr. Hedges noted a large increase in the number of license applications. Establishment licenses take 4-5 weeks. The statistics include reciprocity.
- **Examination Statistics:** Ms. Underwood explained the applications are processed in 4-6 weeks but examinations would then take 30 days. There is a long waiting list at the Fairfield site, up to 3 months, due to a smaller facility and no exams on furlough Friday. The written re-exams are processed in 4-6 weeks then the candidate can be scheduled. Mr. Hedges noted the pass rate for Spanish and Vietnamese applications are lower. It was feared the students actually did not complete the hours required. Ms. Crossett stated text books are available in Spanish/Vietnamese publications. Ms. Underwood assured the Board Members that translations were accurate on the national exam used by the Board.
- **Disciplinary Review Statistics:** Statistics were reviewed.
- **Enforcement Statistics:** Statistics were reviewed.
- **Inspection Statistics:** Statistics were reviewed.
- **Budget Update:** It was noted the office is now working 5 days per week. Revenues and expenditures as of August 31, 2010 were discussed, as were projected expenditures. An executive order has been issued asking the Board for a 5% reduction in personnel services. Some savings will come out of vacant positions plus a hiring freeze has been set. Vacant positions were at the exam site and the office. Transfers within the DCA were possible and are being explored. Equipment and purchasing were being examined. The budget did not allow for temporary workers which were greatly needed. It was noted the state has borrowed money from the reserves for the last 2 years. Mr. Williams commended staff for working in the black. Mr. Rabago wondered why additional staff could not be hired if the Board had a surplus. Legal Counsel Gary Duke explained the agency was self-funded. However, as a public agency it was subject to budget considerations of the state. The Board must follow the directions of the state. Revenue and fees are set by statute or regulation.

- **Outreach Update:** Staff is working on setting up a schedule for 2011 outreach. A hiring and overtime freeze is in effect which will hinder some outreach events which occur on the weekends. The first show will be held in late January in Long Beach. Mr. Hedges asked board members to notify Ms. Underwood of future events.

5. Agenda Item #5, DCA DIRECTOR'S REPORT

Kim Kirchmeyer of the DCA confirmed the hiring freeze was in effect August 31, 2010. Flex time is being encouraged. Ms. Kirchmeyer discussed the budget process including budget change proposals. They are due approximately in April every year. The final document is required by June or July, which is analyzed by various agencies. If approved, it will be set for budgetary hearings. Ms. Kirchmeyer read the criteria for an exemption to the hiring/overtime freeze. It has been very stringent. She stated the DCA would be supportive if the Board needed to file for an exemption if it was valid. Ms. Kirchmeyer noted the Board has not been targeted for a special loan by the State.

Ms. Kirchmeyer noted the DCA was continuing to work on the Consumer Protection Enforcement Initiative. An initial timeframe for enforcement has been prepared and she encouraged the board to look at these statistics. It was hoped to reduce the timeframe to 12 to 18 months. Mr. Hedges noted the current time was 6 months to appeal hearing for the Board. Ms. Kirchmeyer stated they were looking at the time from the date the complaint was received to the disciplinary action. She noted the timeframe was more of a target. Ms. Underwood noted the Board did not have a projection from the time the appeal is made to the actual hearing. Ms. Kirchmeyer noted the quicker an individual is brought into the DRC the quicker the education would be provided. The update of the Strategic Plan should be done soon and this will be included.

Ms. Kirchmeyer noted the DCA was working on the Breeze Project, Information Technology Project to replace the licensing and enforcement processes and IT functions for all the boards. Ashley Alstrom has worked with the DCA on behalf of the Board. She encouraged Debbie Balam to be scheduled to address the board on the project. They are currently meeting with prequalified vendors to determine the requirements to meet the needs of the boards. An RFP will be released in December. The initial roll-out will be expected in December 2012. Ms. Kirchmeyer thanked Ms. Underwood and her staff for their input. Forms will be standardized, and data needs and transition of documents are being examined. Breeze will be in-depth for consumers and schools to find testing results. It is hoped specific test results will be available for schools to determine what areas to focus on. Mr. Hedges noted the fines due and license renewal need to be interfaced; Ms. Kirchmeyer agreed. Ms. Underwood noted our liaison was well aware of this need.

Mr. Williams thanked Ms. Kirchmeyer for her positive outlook about the future. Mr. Hedges thanked Ms. Kirchmeyer for the informative monthly meetings.

Mr. Hedges called a 10 minute break at this time.

Mr. Hedges asked Ms. Underwood to clarify the board member terms. She explained Mr. Hedges was serving a full term. Three of the government appointees (Mr. Lloyd, Mr.

Williams and Ms. Crossett) need to be confirmed by the Senate at the end of January 2011. Once confirmed they will serve their full terms to 2013. Ms. Lemelle's term ends January 1, 2011 but is allowed a one year grace period. Mr. Nelson, Dr. Rabago and Ms. Tran terms end January 1, 2011. If they were confirmed, they would have a year grace period. Ms. Underwood is keeping a close eye and will keep the board posted. Worst case scenario is there would not be a quorum for action. If action is needed, a Board meeting should be set prior to January 22, 2011.

6. Agenda Item #6, REVIEW OF OPEN MEETINGS ACT AND BOARD MEMBER ETHICS

Legal Counsel Gary Duke gave an in-depth presentation on the Open Meetings Act to promote good government practice. He hoped to create awareness for the Board members on potential ethical dilemmas as a board member and recommend strategies to deal with the dilemmas. The Bagley Keen Act, conflicts of interest, disqualifications and abstentions were discussed. The Act was enacted to promote transparency in government. He discussed the definition of meetings, the discouraged use of cell phones during meetings (public perception), communication via email (no reply to all), opinions vs. information. He provided numerous examples for clarification. He distributed and discussed the top ten rules of the Bagley Keen Act. He encouraged the Board members to ask Ms. Underwood or him if they had any questions. Mr. Duke then discussed conflicts of interest. He also discussed Form 700, the annual form to disclose certain financial information.

Public Comment:

Fred Jones of the PBFC noted the Act only applied to board members and not the public; it also applied only when 5 Board members were involved. Mr. Duke stated it was no more than 3 members. He urged the Board not to use the Act to discourage public opinion.

7. Agenda Item #7, REVIEW OF BOARD MEETING MINUTES

- **July 28, 2010:** The following changes/corrections were noted: Ms. Crossett clarified her comments under Section 5. She noted she would like to see equal scoring for all license types. Ms. Lemelle noted her first name was Marie and not Maria. Upon a motion by Ms. Crossett, seconded by Mr. Williams, the above minutes as amended were approved by an 8-0 vote.

8. Agenda Item #8, REVIEW AND APPROVAL OF BUSINESS PLAN

- **Discussion on Business Plan:** Ms. Underwood emphasized the document presented is a draft. It includes background information and the operation plan divided by each unit. The Strategic Plan was updated in 2006. Some goals remained the same. Staff attempted to include projected completion dates and costs. Mr. Nelson noted there were questions about the future, including board members and the need to make budget proposals in 2011 for 2013. He agreed it was important to get information to the schools about the details of their pass/fail

rates. Ms. Lemelle commended Ms. Underwood and her staff for developing the ambitious goals. She hoped to see details later on how the goals will be achieved. Ms. Underwood explained each goal had its own internal detailed plan. Mr. Lloyd moved to accept and approve the business plan as presented. Ms. Lemelle seconded the motion.

Public Comment:

Kimberly Kirchmeyer with the DCA asked if board member guidelines were available. She believed having a separate business plan and strategic plan may take a lot of work and they should be integrated together. The DCA preferred an up-to-date strategic plan. She noted the DCA had a group that will come out to review and assist in updating the strategic plan. The strategic plan should outline the goals of the board in the next 5 years. Identifying tasks will be developed based on these goals.

Mr. Nelson believed the purpose of the business plan was to show how the Board would use their resources to execute the strategic plan.

Upon a motion by Mr. Lloyd, seconded by Ms. Lemelle approved by a 7-1 vote (Ms. Crossett).

Mr. Hedges adjourned the meeting for a 30 minute lunch.

9. Agenda Item #9, STATUS OF PENDING LEGISLATION

a. Review of Proposed Legislation: Essential bills were discussed.

- **AB 978 State Chief Information Officer Duties:**
- **AB 1659 Joint Sunset Review Committee:**
- **AB 1787 Administrative Procedure: Regulations: Narrative Description**
- **AB 1889 Private Postsecondary Education: CA Private Postsecondary Act of 2009: Vetoed by the Governor.**
- **AB 1899 State Agencies: Information on Web Site**
- **AB 1957 Administrative Procedure Act: Notice of Proposed Actions: Local Government**
- **AB 1993 State Government Reports: Declarations**
- **AB 2091 Public Records: Information Security**
- **AB 2130 Professions and Vocations: Sunset Review**
- **AB 2393 Private Postsecondary Education: Fair Business Practices: Vetoed by the Governor.**
- **AB 2466 Regulations: Legislation Validation**
- **AB 2738 Regulations: Statement of Reasons**
- **SB 942 State Auditor: Analysis of Regulations**
- **SB 1171 Sunset Review**
- **SB 1491 Department of Consumer Affairs Omnibus:** Allows for smoothers, air hand dryers, clarifies manicures and pedicures and allows written testimony for appeal hearings. Will become effective January 1, 2011.

Public Comment:

Sarah Mason from the Senate B & P Committee explained AB 1889 included clean-up provisions and disclosures provided to students, business practices, placement rates, staffing; 2393 only dealt with placement rates for nursing students and apprentices.

10. Agenda Item #10, REGULATIONS UPDATE

- **Curriculum Regulations Update:** Ms. Underwood reported the package has been submitted to DCA. The deadline is November 20 for approval and submission. It is anticipated this deadline will be met.
- **Administrative Fines-Review and Approval of Modified Language for Section 974 of the California Code of Regulations:** A public hearing was held on the new fine schedule. No comments were received. Staff decided to combine some of the sections into one fine. Ms. Crossett noted two licensure violations in one area would be counted as one fine. She wondered if this was fair (1 versus 20 stations). No licensure would be separate. Mr. Williams believed the package was a major improvement in the fine structure. Mr. Hedges noted the first violation fines were lowered but a third violation was added. Mr. Williams believed the package was the first line of defense in protecting the public. Ms. Crossett wondered if the lower first violations would result in more dismissals in DRC. Ms. Crossett asked for clarification on the pipeless foot spa: 980.1 covered the whirlpool; 980.2 covered pipeless in a seated chair with fans; 980.3 covered the tubs with no recirculating action. Mr. Nelson asked for clarification on 978b and c, they appeared redundant. Mr. Hedges and Ms. Crossett discussed the empty containers. Heather Berg, Enforcement Manager clarified cites would be given if there was no available container for use. There must be disinfectant available for use. Mr. Nelson believed the two subsections should be combined. Ms. Underwood agreed this could be done. Mr. Hedges and Ms. Crossett believed they should be kept separate. It was agreed a backup of solution must be available.

Public Discussion:

Nadene Bruder, an audience member commented on 965, displaying of license. She noted teachers were required to bring their license from the salon to the school. However, she was told this only applied to establishments and not schools. However, she noted the schools were being fined for no license.

Mr. Lloyd moved to finalize and move forward with the regulation as presented. It was seconded by Mr. Williams and approved by an 8-0 roll call vote. The package will be finalized. Mr. Duke believed the Office of Administrative Law might see the change as Section 100 change in format and editing. It would not require a public hearing. Ms. Underwood will advise the board when it is determined.

11. Agenda Item #11, ADVANCED ESTHETICIAN LICENSE

Ms. Crossett noted estheticians were doing lash and brow tinting, body treatments that included wraps and scrubs. She hoped it could be added to the advanced esthetician license as they are currently outside the scope of practice. Ms. Underwood provided information from the National Coalition of Estheticians (NCEA). Ms. Crossett hoped the Board could be proactive in this area. She believed a written exam would be sufficient. Mr. Hedges recommended Ms. Crossett and Mr. Williams work together to find a sponsor for legislation. Ms. Lemelle recommended they both get acquainted with their representatives to work together. Mr. Hedges recommended Assemblymember Fiona

Ma and Leland Yee who may be supportive. Ms. Underwood recommended language be prepared to present to the reps. She believed the first step would be to develop the scope of practice and language for the proposed act. Ms. Crossett moved to set up a working group and it was seconded by Mr. Williams.

Public Comment:

Regina Pelayo from Skyline Community College is an esthetics teacher. She agreed with the second tier license to offer students more practice and education.

Sherry Davis, NCEA rep for California, brought information on the advanced license in other states. She expressed concern on light therapy devices that are being sold to the public. Continuing education needs to be kept up-to-date. She offered to provide samples of language from other states. She noted the skin care industry employment was expected to increase dramatically possibly because of different growing trends.

Kim Kirchmeyer of DCA noted all the interested parties need to be brought into the working group. A well thought out presentation needs to be developed before going to a representative to sponsor a bill. She noted the DCA can assist in contacting representatives who have been supportive in the past.

Dana Pancoe from the NIC, agreed input from all concerned parties should be sought and she offered the NIC assistance. She noted an exam was available that was adopted by Utah and Virginia.

Hearing no further public commented, it was approved 8-0 to develop the working group of Ms. Crossett and Mr. Williams.

12. Agenda Item #12, SCORING METHODS FOR EXAMINATIONS – REGULATORY ACTION

- **Possible Action Amendment to Section 932 of Article 4, Title 16, Division 9 of the California Code of Regulations:** Sonja Merold and Amy Welch-Gandy from the Office of Professional Examination Services (OPES) gave a presentation to the Board. Their office is responsible for test development, occupational analysis,

validation studies. They monitor the contract for administering the Board's CBT examinations. Their goals were to protect the consumers. She passed out copies of Section 139 and noted the standards for defensible examination programs including passing standards. Passing standards should be based on minimum competency criteria. Ms. Welch-Gandy discussed criteria referenced methodology. Minimum competence is determined. Mr. Williams hoped to address the inequity in the barber and other aggregate scoring. In research, he found that barbers did not have to score well on the written exam. Ms. Welch-Gandy stated their recommendation would be to eliminate aggregate scoring for barbers and use the scoring methodology that is used for cosmetologists and others. They would also recommended all use the criteria referenced methodology. Ms. Crossett believed all the scoring needed to be consistent, no matter the type. She agreed some learners are hands-on and may not pass the written exam. Ms. Welch Gandy stated the criteria referenced methodology would be applied to the written and practical exam. Mr. Williams agreed very competent students may not pass the written exam. He read an email from Dr. Kerry Williams, a licensed barber. She voiced her concern about barbers not receiving enough training in academic subjects. In her own training she found her school did not focus on the theoretical subjects such as disinfection. Mr. Williams believes if everyone used aggregate scoring that it needed to be clarified. Mr. Hedges recalled a meeting in late 2003 that did this but it was never implemented because the computer system would not do it. Mr. Lloyd wondered if this was lowering the bar but Ms. Welch-Gandy noted they were setting the standard for each exam, which would have its own individual cut score. Mr. Lloyd asked if the system was working, why change it. Mr. Williams disagreed and wanted the system to be equal. Mr. Nelson hoped the practical would prevail. Ms. Crossett also wanted the scoring to be fair. She noted some areas were very important to protect the consumer. Mr. Williams continued with the letter from Dr. Kerry Williams. She noted she saw consumers suffering from skin conditions due to improper disinfecting by past barbers. Ms. Tran agreed the written test was difficult but it could be passed with studying. She also wondered about the worth of the written test if it can be overridden by the practical exam. Mr. Williams noted the current short hair trend includes men being touched by clippers on the scalp. He was concerned that barbers did not need to pass certain areas. Mr. Williams hoped this matter could be discussed and resolved. Mr. Hedges believed the barbers had a higher number of citations for sanitation; Mr. Williams believed they were similar. Ms. Underwood noted the top citations for barbers included soiled and clean items not labeled, disinfectant not changed. Ms. Crossett stated these were similar to estheticians. Mr. Nelson noted the barbers were twice as likely to commit the disinfecting violations.

Mr. Hedges made the motion to amend Section 932 of Article 4, Title 16., Division, California Code of Regulations to eliminate barbers' aggregate scoring as it now stands and move toward the best possible method of scoring all tests under the scope of practice regulated by the Board of Barbering and Cosmetology and do that with the assistance of the Office of Exam resources. Seconded by Mr. Lloyd

Ms. Underwood noted the Board voted to move toward the NIC practical exam and asked to hear from Dana.

Public Comment:

Dana Pancoe of NIC stated the exams follow the model of setting a passing point. A raw score is currently provided and the Board can apply weight percentage to each section. She recommended fact-finding to determine the best method.

Fred Jones, of the PBFC believed the policy was taken out of the Board's hands by the policymakers. The Board was responsible for writing regulations from the laws. The law clearly states practical demonstrations should prevail over written tests. He believed the barbering scoring was more in compliance with this law and aggregate scoring needed to be same for all license types. He agreed the standards set by the subject matter experts were appropriate. He was firmly against the proposed motion. He agreed it should be weighed 55/45.

Mr. Duke stated Mr. Jones was correct in the law but did not see how it was inconsistent with the Board's regulations. Mr. Williams believed the evaluation of the tests was inconsistent. He believed minimum competency must be met by the students. Mr. Nelson believed there were two issues on the table and needed to be more focused. Mr. Duke noted the current law was reviewed by the Office of Administrative Law and was subject to public hearing. It was determined to be consistent with the authority.

Public Comment

Mr. Jones provided a history and noted the barbers threatened a lawsuit if aggregate scoring was removed from their license. The then board dropped the issue. He clarified it did not matter what the raw possible points were, but the minimum percentage required in both the written and practical.

Sonja Merold from DCA noted the Director Brian Steeger supports the criterion referenced methodology and was concerned about the aggregate scoring.

Mr. Hedges clarified his motion to remove aggregate scoring for the barbers and to find a best possible way of scoring. After discussion, Mr. Hedges amended his motion to focus on the barbers. He asked staff to work with DCA to return with recommendations on how to score the barber exam and draft regulations. Ms. Underwood noted the language was developed based on criterion referenced scoring methods and was included in the board packet. The language covered all licensing categories. Ms. Welch-Gandy of the OPES recommended the board determine how much weight to give to each exam. Mr. Nelson recommended the barbering be focused on at this time. Mr. Hedges agreed. In her discussions with DCA, Ms. Underwood recommended the barbering exam be changed to criterion referenced scoring. Ms. Underwood was concern that only the barbering scores would be changed. The cosmetology scores were not done in this way. To change to criterion referenced scoring would require a regulation package that would not be implemented for at least one year. Mr. Hedges withdrew his motion.

Mr. Hedges made a motion to amend Section 932 of Article 4, Title 16, Division 9 of the California Code of Regulations that will say, the Board shall establish passing

scores in examinations based on criterion referenced scoring methods. Mr. Lloyd seconded the motion.

Public Comment

Fred Jones of PBFC questioned the adoption of criterion referenced scoring which he believed was unclear. He hoped the door would be left open for aggregate scoring. He hoped a working group would be formed to make it more clearer.

Mr. Williams believed criterion referenced scoring was percentage based and not point based. Ms. Welch Gandy explained a candidate is compared to a standard and not their peers. Subject matter experts provide the ratings based on level of difficulty.

Fred Jones of PBFC asked Ms. Merold of OPES if they preferred a 50/50 weighting. She believed the practice of the practical outweighing the written was an archaic practice.

Ms. Welch-Gandy agreed if criterion based scoring was used the practical exam could still prevail. But the definition of prevail would have to be determined by subject matter experts.

Mr. Hedges reread his motion to amend Section 932 of Article 4, Title 16, Division 9 of the California Code of Regulations that will say, the Board shall establish passing scores in examinations based on criterion referenced scoring method. It was seconded by Mr. Lloyd. The motion was approved by 4-3 (Rabago, Nelson, Tran) -1 Abstain (Crossett).

Public hearings will be held to further the process.

Mr. Duke later explained the vote passed. However, Ms. Crossett wished to change her vote. Mr. Williams reiterated the item must be approved by DCA to move forward.

Ms. Crossett called for a reconsideration of the vote. Mr. Nelson seconded the motion. All agreed to a reconsideration of the vote, 8-0.

Mr. Hedges called for the question.

The following members voted yes: Williams, Lemelle, Hedges, Lloyd

The following members voted no: Tran, Rabago, Nelson, Crossett

Mr. Nelson recommended further input, more clarification and should be put on the agenda for the next Board meeting so licensed barbers can address. Ms. Crossett asked if there was a way to weight the practical exam more within criterion referenced scoring and stay within the current regulations. Ms. Underwood stated the current regulations require a certain pass score. The regulations would state that the exams would be based on criterion referenced scoring and staff would work with NIC to weight them. It is not believed the DCA would support aggregate

scoring. Ms. Underwood reiterated she has already worked with OPES who has recommended the regulations be changed to criterion referenced scoring. She agreed to work with NIC to develop a new split for the barber exam. Dana of SMT/NIC recommended working with subject matter experts to accomplish this and agreed to work with the Board.

Public Comment

Diana Gomez offered the thought - the barbers were able to study, take a test and pass the behind the wheel examination to obtain their drivers license.

Mr. Nelson made the motion for Ms. Underwood to work with NIC and their experts, as appropriate, to recommend an adjustment to the barbering portion of the exam to have the weighting more closely match the discussions today.

Ms. Underwood agreed to the direction but noted if they recommended a new split for the barbering scoring, then new regulations will need to be done and the scoring would still not be legally defensible. It would be required to go through DCA which will still agree it is not legally defensible. Ms. Crossett recommended the change should be done for all levels, not just barbers, since it will be a very long process. At Mr. Nelson's direction, the barbers will still be scored differently.

Mr. Williams believed the issue cannot be agreed upon. Ms. Crossett believed the Board is on the same page but they are unsure how to say it. Everyone wanted the test to be fair but believe they need additional education. Ms. Underwood agreed to provide additional information to further educate the Board and all agreed this would be the best solution.

13. Agenda Item #13, DISCUSSION ON UN-REGULATED SERVICES OFFERED IN LICENSED ESTABLISHMENTS

Ms. Underwood stated it has become very difficult for the inspectors to determine who needs a license and who does not. Another state was found that required establishments to post a sign in their salons noting unregulated services. Three options were presented. Mr. Williams preferred option 2 due to the increasing amount of unregulated services being offered. Staff currently recommends to the person doing unregulated services to take their license down during this service but no statute require them to do this. Ms. Crossett also agreed with option 2. The Board does not regulate permanent makeup. Mr. Hedges agreed with option 2. The unregulated services need to be clearly identified for the consumer.

Mr. Williams made the motion to accept option 2. It was seconded by Ms. Lemelle. Ms. Underwood clarified regulatory language will be placed on the future agenda. The motion was approved by a 8-0 vote.

14. Agenda Item #14, DISCUSSION CONTINUING EDUCATION

Mr. Williams did research into how many states have continuing education requirements. He believed continuing education would address the increase in

violations. Mr. Hedges noted this would take legislation but believed it would be worth it. Mr. Williams recommended the Board explore continuing education. Mr. Hedges recommended the education outreach committee meet and discuss this issue and make recommendations to the board. The committee consists of Mr. Williams and Ms. Lemelle. Ms. Underwood noted a senator has shown interest in the past. Ms. Underwood noted the board approved language last year and she will provide a copy. All agreed this was an important issue.

Public Comment

Leah Alberto, a former supervising examiner, wrote 3 books for Florida for a 16 hour continuing education course in Cosmetology, Esthetician and Nails. The book is used and a 35 question test is taken at the end. It is taken every two years to renew their license. She noted they do take in-house classes at trade shows. The books include HIV updates, sanitation sterilization, workmens compensation, state and federal laws and rules, chemical makeup, hair, skin and nails, environmental issues, carpal tunnel syndrome, and customer information. She left copies of the books for the Board's review.

Mary Lou Amaro, President of California Cosmetology Association, supports the continuing education for instructors and cosmetologists. They conduct shows and classes.

15. Agenda Item #15, DISCUSSION ON BOOTH RENTAL LICENSE

This issue was first brought up in 2008. Mr. Hedges noted he was initially against the license but has since received information from Fred Jones of PBFC for a "voluntary" license.

Fred Jones of PBFC provided a brief presentation of his proposal. Booth renters are sole proprietors and need to be recognized as such. Currently, a booth renter and the establishment can both be fined. He believes they should have their own insurance policy, city/county permit, and a license to ensure they are sole proprietors.

Mr. Hedges made the motion to form a working group to analyze Mr. Jones' proposal and bring back a recommendation to the Board. Mr. Williams seconded the motion. It was approved by an 8-0 vote. Mr. Hedges asked for all interested parties wishing to serve on the working group to notify Ms. Underwood.

16. Agenda Item #16, REVIEW AND APPROVAL OF DISCIPLINARY GUIDELINES

The disciplinary guidelines with edits and additions were presented in the Board packet. It will be given to the Attorney's Generals Office and Administrative Law Judges to be used when reviewing the disciplinary cases and negotiating settlement terms. They need to be updated through regulation.

Upon a motion by Mr. Lloyd, seconded by Ms. Lemelle, it was voted 7-0 to approve the disciplinary guidelines. (Mr. Nelson was not in attendance to vote)

17. Agenda Item #17, 2011 BOARD MEETING SCHEDULE

In reviewing the calendar, a meeting was scheduled for January 10 in Southern California.

18. Agenda Item #18, PUBLIC COMMENT:

The public present did not wish to address the Board at this time.

19. Agenda Item #19, AGENDA ITEMS FOR NEXT MEETING:

Scoring methodology and general items.

20. Agenda Item #20, CLOSED SESSION TO DISCUSS ENFORCEMENT CASE

- **Discussion on Reconsideration and Disciplinary Cases (Closed Pursuant to Government Code Section 11126(c)(3)).**

21. Agenda Item #21, ADJOURNMENT

The meeting was reopened to public session.

With no further business, the meeting was adjourned.



State and Consumer Services Agency – Governor Edmond G. Brown Jr.
Board of Barbering and Cosmetology – Department of Consumer Affairs
 P.O. Box 944226, Sacramento, CA 94244-2260
 P (800) 952-5210 F (916) 575-7280 www.barbercosmo.ca.gov



MEETING OF THE BOARD OF BARBERING AND COSMETOLOGY

MINUTES OF OCTOBER 26, 2010

**Department of Consumer Affairs
 2005 Evergreen Street
 Hearing Room, 1150 A, 1st Floor
 Sacramento, CA 95815**

DRAFT

BOARD MEMBERS PRESENT:

**Richard Hedges, President
 Ken Williams, Vice President
 Marie Lemelle
 Frank Lloyd
 David Rabaggo
 Christie Tran**

STAFF MEMBERS PRESENT:

**Kristy Underwood, Executive Officer
 Hilda Youngblood, AEO
 Theresa Rister, Administrative Analyst**

BOARD MEMBERS ABSENT:

**Deedee Crossett
 Ted Nelson**

1. Agenda Item #1, CALL TO ORDER/ROLL CALL

Mr. Hedges called the meeting to order at 9:00 a.m. The board members and staff members present introduced themselves.

2 Agenda Item, #2, PETITION FOR REINSTATEMENT

The Administrative Law Judge conducted the proceedings for the petition for reinstatement.

- Gregorio D. Ayon
- Michelle Thi Bui
- Michelle N. Trinh

3. Agenda Item #3, Closed Session:

Decision on Reinstatement and Disciplinary Cases (Closed Pursuant to Government Code Section 11126C(3)).

Open Session:

4. Agenda Item #4, Adjournment

There being no further business the meeting was adjourned.

No Attachment

No Attachment

No Attachment

No Attachment